

Attachment 4 - Referral Comments



Air Pollution Control District San Luis Obispo County

September 1, 2015

Brian Pedrotti
SLO County Department of Planning & Building
South County Team/Development Review
County Government Center
San Luis Obispo CA 93401

SUBJECT: APCD Comments Regarding the Jim Miller Community Park in Olde Towne Nipomo, Project DRC2014-00156

Dear Mr. Pedrotti,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located on Carrillo Street in Nipomo, CA. The proposed project consists of construction of a road side park, with a gazebo and veterans memorial.

The following are APCD comments that are pertinent to this project.

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

Project area impacted by particulate matter

The project is located in an area that is impacted by periods of high particulate matter concentrations. The APCD has been investigating elevated particulate levels on the Nipomo Mesa for the past decade. APCD studies in the Nipomo area have shown the source of the elevated particulate matter (PM) pollution to be windblown dust from the open sand areas of the Oceano Dunes State Vehicular Recreation Area (SVRA), and that emissions are increased by off road vehicle activity.

The data gathered from the studies provided a detailed and comprehensive picture of the path, concentration gradient and influence of different wind conditions on the dust plume. Most dust episodes showed a remarkable similarity in plume extent and concentration gradient, with the main variable being the severity of the event. The APCD defined four zones of dust plume influence as labeled below, CDF, MESA2, NRP and SLO:

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The darker colors signify the typical location of the dust plume and the greater impacts. The CDF zone receives the most significant impacts, with roughly 60-95 exceedances of the state PM10 standard each year. MESA2 has roughly 30-60 exceedances annually. This proposed project is in the NRP zone, which has roughly 0-20 exceedances annually.

In November 2011, the APCD Board adopted Rule 1001 to mitigate the blowing dust impacts on the Mesa. Individuals can receive daily air quality forecasted conditions via email by registering on EPA's EnviroFlash website (<http://www.enviroflash.info>) and entering ZIP code 93444.

Plant and Tree Removal

The APCD recommends planting native species to replace any plants or trees slated for removal. The APCD recommends planting native local species that have been shown to mitigate particulate emissions, such as some types of conifer trees. The APCD recommends removing the vegetation only after the new vegetation has reached maturity and has mass similar to the removed vegetation.

CONSTRUCTION PHASE

Construction Phase Idling Limitations

This project is in close proximity to nearby sensitive receptors (residences). Projects that will have diesel powered construction activity in close proximity to any sensitive receptor shall implement mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions. **To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:**

1. California Diesel Idling Regulations

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- a. **On-road diesel vehicles** shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
 - b. **Off-road diesel equipment** shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
 - c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5 minute idling limit.
 - d. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/2485.pdf and www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.
2. Diesel Idling Restrictions Near Sensitive Receptors
In addition to the State required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors (residences):
- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - c. Use of alternative fueled equipment is recommended; and
 - d. Signs that specify the no idling areas must be posted and enforced at the site.

Truck Routing

Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals.

Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. **APCD staff recommends the following measures be incorporated into the project to control dust:**

This project shall implement the following mitigation measures to significantly reduce fugitive dust emissions, to manage fugitive dust emissions such that they do not exceed the APCD 20% opacity limit (APCD Rule 401) and minimize nuisance impacts:

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- a. Reduce the amount of the disturbed area where possible;
- b. Use water trucks, APCD approved dust suppressants (see Section 4.3 in the CEQA Air Quality Handbook), or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the District's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. **Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.** For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook;
- c. All dirt stock-pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding, soil binders or other dust controls are used;
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and,
- f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity. Their duties shall include holidays and weekend periods when work may not be in progress.

Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and,
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

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To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,



Gary Arcemont
Air Quality Specialist

GJA/arr

cc: Tim Fuhs, Enforcement Division, APCD
Gary Willey, Engineering Division, APCD

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SAN LUIS OBISPO COUNTY
DEPARTMENT OF PUBLIC WORKS

Wade Horton, Director

County Government Center, Room 207 • San Luis Obispo CA 93408 • (805) 781-5252
Fax (805) 781-1229 email address: pwd@co.slo.ca.us

Date: August 14, 2015

To: Brian Pedrotti, Project Planner

From: Tim Tomlinson, Development Services

Subject: **Public Works Comments on DRC2014-00156, SLO County MUP, Carrillo St., Nipomo. APN 090-142-007**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

PUBLIC WORKS REQUESTS THAT AN INFORMATION HOLD BE PLACED ON THIS PROJECT UNTIL THE APPLICANT PROVIDES THE FOLLOWING DOCUMENTS FOR PUBLIC WORKS REVIEW AND COMMENT:

1. In accordance with the Land Use Ordinance, as the project is located in a Storm Water Management (MS4) Area, it is considered a regulated project and required to submit a Storm Water Control Plan Application and Coversheet.
2. Public Works recommends the applicant coordinate with the South County Community Advisory Committee to determine the need for extending Dana Street between Carrillo St and Sparks St. This could be a costly road extension due to the existing Phillips 66 Oil Transmission line that needs to be crossed and not necessary for vehicle circulation. An alternative to extending Dana St would be to construct a knuckle on Dana St at Sparks St (per Co. Std. Dwg. A-6b), then connect Sparks St to Carrillo St with a pedestrian sidewalk or multi-use trail.

Public Works Comments:

- A. The proposed project triggers Curb Gutter and Sidewalk requirements per 22.54.030 and the Departments past practice of applying these requirements to Public Facility land uses (library, park, etc). Improvement plans must be submitted to Public Works for review and approval. Prior to building permit issuance the owner must post a performance bond in accordance with the Ordinance. The applicant may apply for a waiver through the Planning and Building Department in accordance with 22.54.030 D. However, there is no guarantee that a waiver will be granted.

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- B. Public Works recommends the applicant coordinate with the South County Community Advisory Committee to determine the need for extending Dana Street between Carrillo St and Sparks St. This could be a costly road extension due to the existing Phillips 66 Oil Transmission line that needs to be crossed and not necessary for vehicle circulation. An alternative to extending Dana St would be to construct a knuckle on Dana St at Sparks St (per Co. Std. Dwg. A-6b), then connect Sparks St to Carrillo St with a pedestrian sidewalk or multi-use trail.
- C. The proposed project is within a drainage review area. Drainage plan is required and it will be reviewed at the time of Building Permit submittal by Public Works. The applicant should review Chapter 22.52 of the Land Use Ordinance prior to future submittal of development permits.
- D. The project meets the applicability criteria for Storm Water Management. Therefore, the project is required to submit a Storm Water Control Plan Application and Coversheet. The Storm Water Control Plan application and template can be found at:
<http://www.slocounty.ca.gov/Assets/PL/Forms+and+Information+Library/Construction+Permit+Documents/Grading+and+Drainage+Documents/SWCP+Application+Pkg.pdf>

The Post Construction Requirement (PCR) Handbook can be found at:
http://www.slocounty.ca.gov/Assets/PL/Grading+and+Stormwater+Mgmt/new_stormwater/PCR+Handbook+1.1.pdf

Recommended Project Conditions of Approval:

Access

1. **At the time of application for construction permits**, public improvement plans shall be prepared in compliance with Section 22.54.030/23.05.106 (Curbs, Gutters and Sidewalks) of the Land Use Ordinance and San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works. The plan/s is/are to include, as applicable:
 - a. Street plan and profile to:
 - i. Reconstruct, if necessary, all deteriorated or non-compliant **Tefft Street and Carrillo Street** frontage improvements in accordance with County Public Improvement Standards.
 - ii. Widen **Dana Street** to complete the project side of an A-2 urban street section.
 - iii. Construct **Dana Street**, between Sparks St and Carrillo Street, to an A-2 urban street section, full improvements on the project side plus a full travel lane on the opposite side within a minimum 40-foot dedicated right-of-way easement, fronting the property.
 - iv. ALTERNATIVE to 1.a.iii: Realign Dana Street to connect with Sparks Street and improve to an A-2 urban street and A-6b urban knuckle section, full improvements on the project side plus a full travel lane on the opposite side within a minimum dedicated right-of-way easement to contain all elements of the roadway prism.

- b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Public utility plan, showing all existing utilities and installation of all new utilities to serve the site.
 - d. Traffic control plan
 - e. Erosion control plan
 - f. Post construction drainage plan
2. **Prior to occupancy or final inspection**, the applicant shall offer for dedication to the public the following easements by separate document:
- a. For road widening purposes a variable road right-of-way along Dana Street and Sparks Street of sufficient width to contain all elements of the roadway prism.
 - b. Pedestrian easements as necessary to contain all sidewalk, driveway and curb ramp improvements that extend beyond the existing right-of-way.
3. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
4. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the public improvements have been constructed or reconstructed to the satisfaction of the County Public Works Inspector and in accordance with County Public Improvement Standards; the project conditions of approval, including any related land use permit conditions; and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
5. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.
6. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works.
7. **On-going condition of approval (valid for the life of the project)**, the property owner shall be responsible for operation and maintenance of public road frontage sidewalks, landscaping, street lighting, and pedestrian amenities in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a public agency.

Drainage

8. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance. All drainage must be retained or detained on-site and the design of the basin shall be approved by the Department of Public Works.
9. **At the time of application for construction permits**, the applicant shall show the 100 year flood hazard boundary on the project plans.
10. **At the time of application for construction permits**, the applicant shall submit evidence to the Department of Public Works that all new structures comply with County flood hazard construction standards, Section 22.14.060. (The entire project site is located within a FEMA Flood Hazard Zone A designation as shown on FIRM Map Number 06079C1636G).
11. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
12. **At the time of application for construction permits**, the applicant shall demonstrate that the project construction plans are in conformance with their Storm Water Control Plan.
13. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Storm Water Control Plan

14. **At the time of application for construction permits**, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan. The applicant shall submit complete drainage calculations for review and approval.
15. **At the time of application for construction permits**, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.
16. **Prior to issuance of construction permits**, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.



SAN LUIS OBISPO COUNTY

DEPARTMENT OF PLANNING AND BUILDING

Promoting the wise use of land - Helping to build great communities

THIS IS A NEW PROJECT REFERRAL

DATE: 8/17/2015

TO: Cal FireFROM: Brian Pedrotti (805-788-2788 or bpedrotti@co.slo.ca.us)
South County Team / Development Review

RECEIVED AUG 19 2015 DEPT

PROJECT DESCRIPTION: DRC2014-00156 SLO COUNTY - Proposed minor use permit for the Jim Miller Community Park in Olde Towne Nipomo. Site location is the corner of West Tefft and Carillo Streets, Nipomo. APN: 090-142-007

Return this letter with your comments attached no later than 14 days from receipt of this referral. CACs please respond within 60 days. Thank you.

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☒ YES (Please go on to PART II.)
☐ NO (Call me ASAP to discuss what else you need. We have only 10 days in which we must obtain comments from outside agencies.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)
☒ NO (Please go on to PART III.)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

NO SIGNIFICANT FIRE/LIFE SAFETY CONCERNS -
SEE ATTACHED E-MAIL COMMENTS.

9/12/15
 Date

[Signature]
 Name BULLARD Phone 543-4244

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Bullard, Clint@CALFIRE

From: Bullard, Clint@CALFIRE
Sent: Saturday, September 12, 2015 12:17 PM
To: 'bpedrotti@co.slo.ca.us'
Subject: DRC2014-00156 (Jim Miller Community Park)

Mr. Pedrotti,

CAL FIRE/County Fire recently reviewed the New Project Referral and associated information provided for the proposed Jim Miller Community Park to be built at West Tefft Street and Carillo Street within Olde Towne Nipomo, CA. The project site is located within Local Responsibility Area (LRA) having an approximate 3 minute response time from the nearest CAL FIRE/County Fire station. The following comments are provided –

- The proposed Polygon Steel Shelter structure (open sided) shall not require commercial fire sprinklers.
- The existing fire hydrant located on Carillo Street near West Tefft is sufficient to meet fire flow demands for the proposed project, no onsite fire hydrant shall be required. Flow data for the existing fire hydrant shall be required prior to project final inspection.
- Vehicular access to the proposed park meets and/or exceeds relative standards.

This department shall review and approve all development and building plans as a condition of the routine building permit process. Also, final inspection shall be conducted by CAL FIRE/County Fire prior to project completion.

Please feel free to contact me should you have additional question and/or concerns regarding this matter.

Thank you,

Clinton I. Bullard
Fire Inspector
CAL FIRE/
SAN LUIS OBISPO COUNTY FIRE
(805)543-4244 ext. 3425

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DRC2014-00156 (Jim Miller Community Park)
Bullard, Clint@CALFIRE to: bpedrotti@co.slo.ca.us

09/12/2015 12:16 PM

From: "Bullard, Clint@CALFIRE" <Clint.Bullard@fire.ca.gov>
To: "bpedrotti@co.slo.ca.us" <bpedrotti@co.slo.ca.us>

Mr. Pedrotti,

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Please feel free to contact me should you have additional question and/or concerns regarding this matter.

Thank you,

Clinton I. Bullard
Fire Inspector
**CAL FIRE/
SAN LUIS OBISPO COUNTY FIRE**
(805)543-4244 ext. 3425